

No.

200800273



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Seminis Vegetable Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE HERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Crescendo'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this eleventh day of August, in the year two thousand and eight.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.


Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Seminis Vegetable Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME 08220679	3. VARIETY NAME CRESCENDO
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967		5. TELEPHONE (include area code) (805) 647-1572	FOR OFFICIAL USE ONLY PVPO NUMBER #200800273 FILING DATE MAY 27, 2008
		6. FAX (include area code) (805) 918-2545	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation	8. IF INCORPORATED, GIVE STATE OF INCORPORATION California	9. DATE OF INCORPORATION 4 June 1962	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)			FILING AND EXAMINATION FEES: \$ 4,382.00 DATE 5/27/08 CERTIFICATION FEE: \$ 768.00 DATE 7/7/2008
Carol Miller Seminis Vegetable Seeds, Inc. 37437 State Hwy 16 Woodland, CA 95695 Sara Boeke Seminis Vegetable Seeds, Inc. P.O. Box 97, NL-6700 AB Wageningen, Netherlands			
11. TELEPHONE (Include area code) (530) 669-6274	12. FAX (Include area code) (530) 669-6112	13. E-MAIL carol.l.miller@seminis.com	
14. CROP KIND (Common Name) Garden Pea	16. FAMILY NAME (Botanical) Leguminosae	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Pisum sativum L.	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER 		SIGNATURE OF OWNER	
NAME (Please print or type) Carol L. Miller		NAME (Please print or type)	
CAPACITY OR TITLE PVP Specialist	DATE 23-May-08	CAPACITY OR TITLE	DATE

(See reverse for instructions and information collection burden statement)

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to **reproduce** the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. **Retain one copy for your files.** All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office
Telephone: (301) 504-5518 **FAX:** (301) 504-5291
General E-mail: PVPOmail@usda.gov
Homepage: <http://www.ams.usda.gov/science/pvpo/PVPIndex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870.
<http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 (2) the details of subsequent stages of selection and multiplication;
 (3) evidence of uniformity and stability; and
 (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Crescendo: Italy first date of sale 01-Jan-08; US, France & Germany first date of sale 01-Feb-08.

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

U.S. Patent Application No. 61/023,159 Entitled "Pea Line CRESCENDO" by Alexis Plouy filed 24-Jan-08. NL PVP #ERW 1027 filed 16-Jan-07; EU PVP #2007/0970 filed 10-May-07.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

EXHIBIT A **Origin and Breeding History of Garden Pea, Crescendo (08220679)**

Crescendo (08220679) was developed at the Seminis Breeding Station in Guerbigny, France by pedigree selection from a cross of a breeding line, Tacoma/Spring DMBC2 as seed parent with the Seminis variety Lil' Mo as pollen parent. Tacoma (US PVP # 9400074) and Lil' Mo (US PVP # 9900162) are Seminis varieties. Spring DMBC2 was developed at the Seminis Western Breeding Station (WBS) in Filer Idaho by crossing the Seminis variety Spring with a breeding line that was subsequently selected to become the Seminis variety Bijou. Bijou was developed by backcrossing an allele for downy mildew resistance from JI85, a wild pea accession from the John Innes collection, into Spring.

The crossing and selection between Tacoma/Spring DMBC2 and Lil' Mo were made as follows:

- 12-1994 Planted Tacoma/Spring DMBC2 and Lil' Mo in the greenhouse at WBS. Crosses made.
- 4-1995 Planted F1 in the field at WBS, allowed to self and sent F2 seed to France for selection.
- 4-1996 Planted F2 population in the field in France, selected individual plants in the field.
- 4-1997 Planted F3 in the field in France, selected individual plants, and progeny tested seed from each selection for resistance to downy mildew in the greenhouse in Holland. Saved only those selections with resistance to DM.
- 4-1998 Planted F4 in the field in France, selected individual plants and progeny tested for resistance to DM in the greenhouse in Holland
- 4-1999 Planted F5 in the field in France, selected individual plants and progeny tested for resistance to DM in the greenhouse in Holland
- 4-2000 Planted F6 in the field in France, selected individual plants and progeny tested for resistance to DM in the greenhouse in Holland
- 4-2001 Planted F7 in the field in France. Selected individual plants based on intermediate small sieve size, disease resistance, productivity, and erect normal foliage plant type. Observations during the growing season indicated the line was uniform and stable.
- 4-2002 Planted 10 F8 lines in the field in Holland under the number PGG 136. All subsequent increases of Crescendo (08220679) trace to the bulk of PGG 136. Observations during 2002 confirmed the line was uniform and stable and that it carried a good set of pods on a relatively erect plant and was resistant to downy mildew.

Selection criteria in the field represent a balance of characteristics related to productivity and quality and to goodness to fit for market needs such as: earliness; vigorous, normal foliage plants with good standing ability; dark green processed color and intermediate small sieve size; good yield potential; and with uniform resistance to downy mildew..

Observations made during two generations of multiplication and increases (2001 and 2002) confirm that Crescendo is uniform and stable within commercially acceptable limits. As is true with other garden pea varieties, a small percentage of off-types can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications. No variants or off-types are known or expected to occur.

EXHIBIT B**Statement of Distinctness for Garden Pea, Crescendo (08220679)**

Crescendo (08220679) is an early maturing intermediate sieve size freezer pea with normal leafy foliage that was selected for the combination of sieve size, standing ability in the field, and disease resistance, in particular that associated with a single dominant allele for resistance to downy mildew, *Peronospora viciae*, that traces back to JI85 (a wild accession of the John Innes collection).

To our knowledge, the most similar variety to Crescendo is Lambado from Syngenta. The comparative characteristic that best distinguishes the two includes, but may not be limited to, resistance to downy mildew. Crescendo carries a dominant allele for resistance to downy mildew and is resistant to race 0, whereas Lambado carries the recessive allele for resistance to downy mildew and is therefore susceptible to race 0.

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved OMB NO 0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Pea (*Pisum sativum* L.)

NAME OF APPLICANT (S) Seminis Vegetable Seeds	TEMPORARY OR EXPERIMENTAL DESIGNATION 08220679	VARIETY NAME Crescendo
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) 2700 Camino del Sol Oxnard, CA 93030		PVPO NUMBER #200800273

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g., or) when the number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: _____ Please answer all questions for your variety; lack of response may delay progress of your application..

1. TYPE:

1 = Garden

2 = Field

3 = Edible-podded 4 = Other (Specify) _____

2. MATURITY:

Node Number of First Bloom:

No. of Days Processing

Heat Units

No. of Days Earlier Than

Days Same As

No. of Days Later Than

1 = Alaska

2 = Thomas Laxton WR

3 = Little Marvel

4 = Wando

5 = Alderman WR

6 = Australian Winter

7 = Other (Specify) _____

3. PLANT HEIGHT:

cm High

cm Shorter Than

Same As

cm Taller Than

Name of Check Cultivar _____

Same as Check Cultivar _____

Name of Check Cultivar Lambado

4. VINE:

Habit:

1 = Determinate

2 = Indeterminate

Branching:

1 = None (Alaska)

2 = 1-2 Branches (Little Marvel)

3 = More than 2 Branches (Dwarf Gray Sugar)

Internodes:

1 = Straight

2 = Zig Zag

Number of Nodes

Stockiness:

1 = Slim (Alaska)

2 = Medium (Thomas Laxton WR)

3 = Heavy (Alderman)

5

5. LEAFLETS:

- ☐2 Color: 1 = Light Green (Alaska WR) 2 = Medium Green (Thomas Laxton WR) 3 = Dark Green (Alderman)
4 = Other (Specify) _____ 5 = Blue Green 6 = Yellow Green 0 = Not Applicable
- ☐3 Wax: 1 = None 2 = Light 3 = Medium 4 = Heavy 0 = Not Applicable
- ☐2 Molding: 1 = Not Marbled 2 = Marbled (Alaska) 0 = Not Applicable
- ☐4 Number of Leaflet Pairs: 1 = Not Paired 2 = One 3 = Two 4 = Three or More 0 = Not Applicable
- ☐3 Leaflet Type: 1 = Leafless 2 = Semi 3 = Normal

6. STIPULES:

- ☐2 1 = Lacking 2 = Present ☐2 1 = Not Clasping 2 = Clasping ☐2 1 = Not Marbled 2 = Marbled
- ☐2 Size (Compared with Leaflets): 1 = Smaller 2 = Same 3 = Larger 0 = Not Applicable
- ☐2 Color (Compared with Leaflets): 1 = Lighter 2 = Same 3 = Darker 0 = Not Applicable
- ☐2 Color: 1 = Light Green 2 = Medium Green 3 = Dark Green 4 = Blue Green 5 = Yellow Green 0 = Not Applicable
- Color Chart Value: _____ Select the Color Chart Used to Determine the Values:
☐ Royal Horticulture Society Colour Chart
☐ Munsell Color Chart
☐ Other _____
- ☐2 Stipule Size: 1 = Small 2 = Medium 3 = Large

Please Provide Comparative Varieties (Check Varieties) and Stipule Color

	Variety (1)	Variety (2)	Variety (3)
Variety Name:	_____	_____	_____
Stipule Size:	_____	_____	_____
Color:	_____	_____	_____
Color Chart Value:	_____	_____	_____

7. FLOWER COLOR:

- ☐2 Venation ☐1 Standard ☐1 Wing ☐1 Keel
- 1 = White 2 = Greenish 3 = Lavender 4 = Purple 5 = Red 6 = Other (Specify) _____

8. PODS:

- ☐2 Shape: 1 = Straight 2 = Slightly Curved 3 = Curved
- ☐2 End: 1 = Pointed (Alderman) 2 = Blunt (Alaska)
- ☐3 Color: 1 = Light Green (Alaska WR) 2 = Medium Green 3 = Dark Green (Alderman)
4 = Other (Specify) _____ 5 = Blue 6 = Purple 7 = Yellow
- ☐1 Surface: 1 = Smooth 2 = Rough ☐2 Surface: 1 = Shiny 2 = Dull
- ☐4 Borne: 1 = Single 2 = Double 3 = Single and Double 4 = Single, Double & Triple 5 = Double & Triple
6 = Triple 7 = Other (Specify) _____ 8 = Quad, Single, Double, Triple 9 = Quad
- ☐07 cm Length ☐10 mm Width (Between Sutures) ☐08 No. Seeds Per Pod

9. SEEDS: (95-100 Tenderometer)

- ☐3 Color: 1 = Light Green 2 = Green 3 = Dark Green 4 = Other (Specify) _____
5 = Yellow 6 = Brown 7 = Yellow Green

	1	2	3	4	5	6	7	8	Average	
Seive: %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	→ USSS

9. SEEDS: (cont.) (Dry-Mature)

- ☐ 1 Shape: 1 = Flattened 2 = Angular 3 = Oval 4 = Rounded
- ☐ 3 Surface: 1 = Smooth 2 = Dimpled ☐ Luster: 1 = Shiny 2 = Dull
3 = Wrinkled
- ☐ 1 Color Pattern: 1 = Monocolor 2 = Mottled 3 = Striped 4 = Dotted
- ☐ 2 Primary Color: } 1 = Creamy White 2 = Cream & Green 3 = Light Green 4 = Medium Green
5 = Dark Green 6 = Blue Green 7 = Yellow 8 = Brown
☐ Secondary Color: } 9 = Red 10 = Gray 11 = Black 12 = Salmon
13 = Purple 14 = Tan 15 = White 16 = Pink
17 = Yellow Green
- ☐ 1 Hilum Color: 1 = White 2 = Tan 3 = Black
- ☐ 1 Cotyledon Color: 1 = Green 2 = Yellow 3 = Orange 4 = Cream
- ☐ 1 4 Grams per 100 Seeds

10. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Moderately Resistant, 4 = Moderately Susceptible, 5 = Tolerant)

- | | |
|---|---|
| <input type="checkbox"/> 2 Fusarium Wilt – Race 1 | <input type="checkbox"/> 1 Fusarium Wilt (Near Wilt) – Race 2 |
| <input type="checkbox"/> 1 Ascochyta Blight | <input type="checkbox"/> 0 Common Mosaic |
| <input type="checkbox"/> 0 Bacterial Blight | <input type="checkbox"/> 1 Pea Enation Mosaic Virus |
| <input type="checkbox"/> 2 Downy Mildew | <input type="checkbox"/> 0 Seedborne Mosaic Virus |
| <input type="checkbox"/> 1 Powdery Mildew | <input type="checkbox"/> 2 Yellow Bean Mosaic Virus |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> 0 Leaf Roll Virus |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Other (Specify) _____ |

11. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Moderately Resistant, 4 = Moderately Susceptible, 5 = Tolerant)

- ☐ 0 Aphids
- ☐ 0 Other (Specify) _____

12. Additional information on any item above, or general comments that may aid in identification:

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Seminis Vegetable Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER 08220679	3. VARIETY NAME CRESCENDO
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 2700 Camino del Sol Oxnard, California 93030	5. TELEPHONE (Include area code) (805) 647-1572	6. FAX (Include area code) (805) 918-2545
7. PVPO NUMBER		#200800273

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.



YES



NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.



YES



NO

10. Is the applicant the original owner?



YES



NO

If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?



YES



NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?



YES



NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The variety named in this application was developed by the Seminis Vegetable Seeds, Inc., employee (breeder) identified below. By agreement between the employee and Seminis Vegetable Seeds, Inc., all rights to any invention, discovery, or development made by an employee are assigned to the Company. No rights to such an invention, discovery, or development are retained by the employee.

Employee (Breeder): Alexis Plouy

Site Location: Guerbigny, France

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

**EXHIBIT F
DECLARATION REGARDING DEPOSIT**

NAME OF OWNER (S) Seminis Vegetable Seeds, Inc.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 2700 Camino del Sol Oxnard, CA 93030	TEMPORARY OR EXPERIMENTAL DESIGNATION 08220679
NAME OF OWNER REPRESENTATIVE (S) Carol L. Miller	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 37437 State Highway 16 Woodland, CA 95695	VARIETY NAME CRESCENDO <div style="background-color: black; color: white; text-align: center; padding: 2px;">FOR OFFICIAL USE ONLY</div> PVPO NUMBER <div style="font-size: 1.5em; font-weight: bold;">#200800273</div>

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Carol L. Miller
Signature

23-May-08
Date